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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHAMPAGNE, LUNA

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/804,019	<b>Applicant(s)</b> MORITA ET AL.	
	<b>Examiner</b> LUNA CHAMPAGNE	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/10/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/10/04</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Priority*

Applicant's claim for the benefit of a prior-filed application (JP2003-077023 filed on 3/20/2003) under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7, 8, 9, 12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi (2002/0026546 A1).

Re claims 7, 8, and 14, Yamaguchi teaches an accounting system comprising: a processing apparatus for executing predetermined processes on target data to be processed; and an accounting apparatus for accounting for each of the executed processes; wherein the processing apparatus comprises: an information generating unit that generates process information indicating contents of the processes to be executed, and state information indicating states of execution of the processes; and an information transmitting unit that transmits the generated process information and the generated state information to the accounting apparatus (*the digital copying machine 100 reports the copying job will be completed in the normal manner*); the accounting apparatus comprises: an information receiving unit that receives the transmitted process

information and the transmitted state information; a calculation unit that calculates expenses for the executed processes based on the received process information, and sets, as a fee to be charged, the calculated expenses or expenses changed based on the state information; and an accounting unit that accounts based on the fee; an accounting apparatus for accounting for each of predetermined processes executed on target data to be processed by a processing apparatus, the accounting apparatus comprising: an acquisition unit that acquires process information and state information (*The discriminator*); a calculation unit (*the account processor 101H from the image processor 101*) that calculates expenses for the executed processes based on the acquired process information, and sets, as a fee to be charged, the calculated expenses or expenses changed based on the acquired state information; and an accounting unit that accounts based on the fee, wherein the process information indicates contents of the executed processes; the state information indicates states of execution of the processes; and the process information and the state information are generated in the processing apparatus; receiving the transmitted process information and the transmitted state information (see e.g. paragraphs 0031-0036 , 0039).

Re claim 9, Yamaguchi teaches the accounting apparatus, wherein the state information indicates whether the processes have already been executed on data related to the target data or not (see e.g. paragraph 0035 – *the digital copying machine 100 reports the copying job will be completed in the normal manner*); the calculation unit of the accounting apparatus sets the calculated expenses as the fee except when the

processes have already been executed on the related data; and the calculation unit discounts the calculated expenses and sets the discounted expenses as the fee when the processes have already been executed on the related data (*see e.g. paragraph 0024 – the accounting operation is carried out based on the name of the user – discountable or not*).

Re claim 12, Yamaguchi teaches the accounting apparatus; the calculation unit of the accounting apparatus sets the calculated expenses as the fee when the processes have been executed for the first time; and the calculation unit discounts the calculated expenses and sets the discounted expenses as the fee when the processes or the related processes have been executed repeatedly (*see e.g. paragraph 0024 – the accounting operation is carried out based on the name of the user –discountable or not*).

Yamaguchi does not explicitly teach the accounting apparatus wherein the state information indicates whether the processes and processes related to the processes have been executed repeatedly or not.

However, since it has already been shown through Yamaguchi in claims 7 and 8, that the state information indicate whether the processes have been executed/completed or not, it is considered a design choice to have the state information indicate the frequency of the processes.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 15, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Shirai et al. (2002/0118381 A1).

Re claims 15 and 17, Shirai et al. teach an accounting method/ program for accounting for each of predetermined processes to be executed on target data to be processed by a processing apparatus, the accounting method comprising: calculating expenses for the executed processes based on process information indicating contents of the executed processes; setting, as a fee to be charged, the calculated expenses or expenses changed based on state information indicating states of execution of the processes; and accounting based on the fee (*see e.g. paragraph 0129 – the accounting unit 117 executes and accounting process to calculate a charge on the basis of the quality and number of prints required by the user*).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 3, 4, 5, 6, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shirai et al. (2002/0118381 A1), in view of Evans et al. (US 7,130,070 B2).

7. Re claims 1, 2, 4, 5, 6, Shirai et al. teach a processor that performs a color correction process and a printing process (*see e.g. paragraph 0062 - a printing apparatus (color-correcting system) having a color-correction function*); the accounting unit changes contents of the accounting in accordance with a result of the judgment; the accounting unit accounts for the color correction process of the print data (*see e.g. paragraphs 0104-0106*); wherein the judgment unit makes a judgment as to whether a first parameter value coincides with a second parameter value or not; the first parameter value is specified for the color correction process of the print data instructed to be printed; the second parameter value is specified in a previous printing (*see e.g. paragraph 0066*).

Shirai et al. do not explicitly teach an accounting apparatus comprising: a judgment unit that makes a judgment as to whether print data instructed to be printed has already been printed or not; and an accounting unit that accounts for the color correction process of the print data based on a result of the judgment.

However, Evans et al. teach an accounting apparatus comprising: a judgment unit that makes a judgment as to whether print data instructed to be printed has already been printed or not (*see e.g. col. 6, lines 45-48 - a print tracking system that will*

*properly print jobs that are sent for printing but are not completed due to the failure of a printer, server, or the network); and an accounting unit that accounts for the color correction process of the print data based on a result of the judgment (see e.g. col. 8, lines 49-53—This information will be used later by, for example, an accounting department for the user in order to properly allocate costs associated with the printing).*

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to modify Shirai et al. and include the steps performed by the judgment unit and the accounting unit, as taught by Evans et al., in order to decentralize the system functions and properly track printing jobs regardless of their status.

Re claim 3, Shirai et al. teach The accounting apparatus wherein the accounting unit, in the print process of print data, changes contents of the accounting in accordance with whether the print process of the print data has already been successful or not and the accounting unit accounts for the color correction process (see e.g. paragraph 0104 - 0106).

Re claim 16, Shirai et al. teach a program for accounting for each of predetermined processes to be executed on target data to be processed by a processing apparatus, the program making a computer execute steps of: calculating expenses for the executed processes based on the received process information, and setting, as a fee to be charged, the calculated expenses or expenses changed based on the state information; and accounting based on the fee (see e.g. paragraph 0129 – the



*accounting unit 117 executes and accounting process to calculate a charge on the basis of the quality and number of prints required by the user).*

Shirai et al. do not explicitly teach receiving the transmitted process information and the transmitted state information;

However, Evans et al. teach receiving the transmitted process information and the transmitted state information (*see claim 4 - the billing dialogue module comprises means for receiving qualification data from the client computer*).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to modify Shirai et al. and include the step of receiving the transmitted process information and the transmitted state information, as taught by Evans et al., in order to keep different parts of the system in synch while processing print data.

8. Claims 10, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (2002/0026546 A1). as applied to claim 8 above, and further in view of Shirai (2002/0118381 A1).

Re claims 10, 11, 13, Yamaguchi does not explicitly teach the claimed limitations.

However, Shirai et al. teach the accounting apparatus wherein the processes are aimed at processing on drawing data; and the processes include a RIP (Raster Image Processing/Processor) process for expanding the drawing data to thereby obtain bitmap data, a correction process for correcting the expanded bitmap data, and/or a print process for printing the bitmap data (*see e.g. paragraph 0093*); the processes are

aimed at processing on drawing data (*see e.g. paragraph 0089 – the output correcting values are stored in the storage device 2a - it is read as storing the values for possible future use*) ; and the processes include a RIP (Raster Image Processing/Processor) process for expanding the drawing data to thereby obtain bitmap data, a correction process for correcting the expanded bitmap data, and/or a print process for printing the bitmap data (*see e.g. paragraph 0093*); wherein the processes and the related processes are processes for printing image data and processes for displaying the image data (*see e.g. fig. 2 and paragraph 0077 – The monitor 5 serves both as a display means for displaying operation guidance, condition of operations, input or processed image; paragraph 0114 – the output unit 103 includes a printer 109 and a display 110*).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to modify Yamaguchi, and include the steps cited above, as taught by Shirai, in order to efficiently use system memory and avoid redundancy in providing services.

### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Klein (3,653,759), Kurosawa et al. (6,035,059), Ramadei (5,602,921), Krist et al. (5,659,845), Maruta et al. (6,064,838).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUNA CHAMPAGNE whose telephone number is (571)272-7177. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

Art Unit: 3627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627

Luna Champagne  
Examiner  
Art Unit 3627

April 3, 2008